S T A T E O F N E W Y O R K

3833

2011-2012 Regular Sessions

I N S E N A T E

March 7, 2011

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to coverage of hysterectomies

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 28 to read as follows:

(28) (A) EVERY POLICY WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE, OR SIMILAR COMPREHENSIVE TYPE COVERAGE, SHALL PROVIDE COVERAGE FOR ALL COST FOR HYSTERECTOMIES. SUCH COVERAGE SHALL INCLUDE INPATIENT HOSPITAL COVERAGE FOR A MINIMUM PERIOD OF SEVENTY-TWO HOURS AFTER SURGERY.

(B) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

(C) COVERAGE UNDER THIS PARAGRAPH SHALL NOT RESTRICT OR ELIMINATE EXISTING COVERAGE PROVIDED BY THE POLICY AND NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO DENY OR RESTRICT IN ANY WAY ANY EXISTING RIGHT OR BENEFIT PROVIDED UNDER LAW OR BY CONTRACT.

S 2. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 18 to read as follows:

(18) (A) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE, OR SIMILAR COMPREHENSIVE TYPE COVERAGE, SHALL PROVIDE COVERAGE FOR ALL COST FOR HYSTERECTOMIES. SUCH COVERAGE SHALL INCLUDE INPATIENT HOSPITAL COVERAGE FOR A MINIMUM PERIOD OF SEVENTY-TWO HOURS AFTER SURGERY.

(B) SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(C) COVERAGE UNDER THIS PARAGRAPH SHALL NOT RESTRICT OR ELIMINATE EXISTING COVERAGE PROVIDED BY THE POLICY AND NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO DENY OR RESTRICT IN ANY WAY ANY EXISTING RIGHT OR BENEFIT PROVIDED UNDER LAW OR BY CONTRACT.

S 3. Section 4303 of the insurance law is amended by adding a new subsection (hh) to read as follows:

(HH) 1. EVERY MEDICAL EXPENSE INDEMNITY CORPORATION, HOSPITAL SERVICE CORPORATION AND HEALTH SERVICE CORPORATION WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE, OR SIMILAR COMPREHENSIVE TYPE COVERAGE, SHALL PROVIDE COVERAGE FOR ALL COST FOR HYSTERECTOMIES. SUCH COVERAGE SHALL INCLUDE INPATIENT HOSPITAL COVERAGE FOR A MINIMUM PERIOD OF SEVENTY-TWO HOURS AFTER SURGERY.

2. SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

3. COVERAGE UNDER THIS SUBSECTION SHALL NOT RESTRICT OR ELIMINATE EXISTING COVERAGE PROVIDED BY THE POLICY AND NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO DENY OR RESTRICT IN ANY WAY ANY EXISTING RIGHT OR BENEFIT PROVIDED UNDER LAW OR BY CONTRACT.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to all policies entered into or renewed on and after such effective date.